

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Michael R. Bender,)	C/A No.: 1:17-2955-RBH-SVH
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Nancy A. Berryhill, Acting)	
Commissioner of Social Security,)	
)	
Defendant.)	
)	

Defendant Nancy A. Berryhill, Acting Commissioner of the Social Security Administration (“Commissioner”), by her attorneys, Sherri A. Lydon, United States Attorney for the District of South Carolina, and Marshall Prince, Assistant United States Attorney for the District of South Carolina, has moved this court pursuant to 42 U.S.C. § 405(g) to enter a judgment with an order of reversal with remand of the cause to the Commissioner for further administrative proceedings. [ECF No. 16]. The movant represents that Plaintiff’s counsel, Robertson Wendt, Jr., consents to the motion. *Id.*

By order of the court, this case is remanded to the Appeals Council. The Appeals Council will direct the Administrative Law Judge to further evaluate Plaintiff’s claims, offer Plaintiff the opportunity for a new hearing, and issue a new decision.

Pursuant to the power of this court to enter a judgment affirming, modifying, or reversing the Commissioner’s decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the Commissioner’s request for remand of this action for further proceedings, this court hereby reverses the Commissioner’s decision under sentence four of 42 U.S.C. § 405(g) with a remand of the

cause to the Commissioner for further administrative proceedings as set out above. *See Shalala v. Schaefer*, 509 U.S. 292 (1993). The Clerk of Court is directed to enter a separate judgment pursuant to the Fed. R. Civ. P. 58.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Shiva V. Hodges". The signature is written in a cursive, flowing style.

July 23, 2018
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge